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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/830,032	04/23/2004	Markus Jung	32140-201680	7507
26694	7590	07/26/2006	EXAMINER	
VENABLE LLP P.O. BOX 34385 WASHINGTON, DC 20045-9998			LE, LANA N	
			ART UNIT	PAPER NUMBER
			2618	
DATE MAILED: 07/26/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/830,032	JUNG, MARKUS	
	Examiner Lana N. Le	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 4/23/04.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 4-3-7 is/are rejected.
- 7) Claim(s) 9 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-4 and 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Bassel et al (US 4,217,550).

Regarding claim 1, Bassel et al disclose a method for generating communication between several participants (other devices not shown in figures using protected band f1-f2 to transmit along with the jamming device of fig. 1) of a communication system during the operation of at least one jamming transmitter (jamming device; fig. 1), which belongs to the communication system, comprising:

synchronizing an interference signal (a; fig. 7) from the at least one jamming transmitter (fig. 1) and a transmitting signal from the participants in time (other devices; col 6, lines 34-38); and

communicating the transmitting signal between the participants during time windows (non shaded time window from f1 to f2) jointly agreed (within the protected band) with the jamming transmitter (fig. 1) and created by the time interference signal (a) (col 1, lines 4-8) (col 6, lines 19-38).

Regarding claim 3, Bassel et al disclose the method according to claim 1, further

comprising analyzing by the participants a fixed, repetitive interference pattern transmitted (user controlling and analyzing the repeated jamming signal) by the jamming transmitter (jammer; fig. 1) to detect the time windows (time windows within the protected band  $f_2-f_1$  where there's no interference based upon which point in time, i.e. 101, 111, 121) in which the participants (other devices) can communicate (see fig. 7).

Regarding claim 4, Bassel et al disclose the method according to claim 3, wherein the participants inform each other of the time windows (wherein all other devices and the jamming device transmit within time windows within the protected band  $f_2-f_1$  to have no interference).

Regarding claim 6, Bassel et al disclose the method according to claim 1, wherein the interference signal can be modified during jamming (the interference signal can be changed from a to b as in fig. 7).

Regarding claim 7, Bassel et al disclose a communication method comprising: generating an interference signal (a) including time gaps (time gaps in protected band between  $f_2$  and  $f_1$ ) therein with a jamming transmitter (fig. 1);

communicating an inherent location of the time gaps (time gaps between  $f_2$  and  $f_1$ ) between the jamming transmitter (fig. 1) and a plurality of participants (other devices sending signals within time gap in protected band  $f_2-f_1$ ) in a communication system; and

sending and receiving transmission signals between the participants during the time gaps (col 6, lines 19-38; col 1, lines 4-8).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bassel et al (US 4,217,550).

Regarding claim 5, Bassel et al disclose the method according to claim 1, further comprising wherein Bassel et al do not explicitly disclose contacting the participants with the jamming transmitter prior to transmitting the interference signal and agreeing on the time windows for the interference operation. However, it is well known and notoriously old in the art to contact the participants with the jamming transmitter prior to transmitting the interference signal and agreeing on the time windows for the interference operation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to contact the participants with the jamming transmitter in order to know what frequency to use to not receive interference from the jamming transmitter.

***Allowable Subject Matter***

5. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claim 2, Bassel et al disclose the method according to claim 1, wherein Bassel et al and the cited prior art fail to disclose the method further comprising increasing the clock rate and/or the transmission band width to compress the transmitting signal.

***Conclusion***

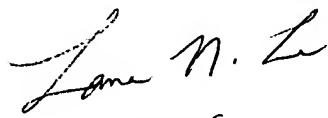
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana N. Le whose telephone number is (571) 272-7891. The examiner can normally be reached on M-F 9:30-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2618

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lana Le



7-23-06

LANA LE  
PRIMARY EXAMINER